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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,176	03/20/2001	Patrick H. Fullenkamp	DP-304380	2287

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EXAMINER

SICONOLFI, ROBERT

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/813,176

Applicant(s)

FULLENKAMP ET AL.

Examiner

Robert A. Siconolfi

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,3,4,8, 10, 11,14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Mevissen et al (U. S. Patent no. 5,326,084).

See figures Spring seat 16, spring bracket 7, stabilizer bar bracket portion 13, projection 17, reservoir tube opening in the middle of spring seat.

3. Claims 1,4,8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakai (U. S. Patent no. 3,573,880).

See figures Spring seat 11, spring bracket 13, projections on both the shelf and the spring seat 15, reservoir tube opening 111

4. Claims 1, 4, 10, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Muller et al (U. S. Patent no. 4,545,601).

See figures Spring seat 22,24, spring bracket 44, mounting portion 36 with welds 50, projection 17, reservoir tube opening in the middle of spring seat. Bracket 22 is disclosed as attached to bracket 44 see column 3 lines 8-11

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-7, 16-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller et al.

Muller et al is relied upon as above. Muller et al does not disclose specifically how the spring seat is attached to the bracket. Muller et al discloses welding as a means to attach (welds 50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach the spring seat to the bracket by welding as welding is a well known of attaching two metal parts together. It forms an economical permanent bond that is strong and durable. The different types of welding claimed furthermore are obvious because they are merely design choices. The type of welding used depends on factors such as material being welded, cost, and strength of bond required.

7. Claims 2,3, 12-15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller et al in view of Handke et al (U. S. Patent no. 5,622,242). Muller is relied upon as above in paragraph 6. Muller et al does not disclose having a stabilizer bar bracket portion integral with the mounting bracket portion. Handke et al teaches integrating a stabilizer mounting portion with a mounting bracket portion (see

Art Unit: 3683

figures 6a-11c). It would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate the stabilizing bar bracket with the mounting bracket portion in order to reduce the number of parts needed to be connected to the damper tube. This reduces costs due to the reduction of parts needed to be manufactured and the reduction of assembly steps.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Siconolfi whose telephone number is (703) 305-0580. The examiner can normally be reached on M-F 10 am-3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703) 308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Robert A. Siconolfi  
Examiner  
Art Unit 3683

RS  
June 1, 2003

*Robert A. Siconolfi 6/1/03*  
ROBERT A. SICONOLFI  
PATENT EXAMINER